

# Notice of Allowability

Application No.

10/023,510

Examiner

Julian Mercado

Applicant(s)

XING ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-2-04.
2. ☒ The allowed claim(s) is/are 1 and 3-16.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Remarks***

This Office action is responsive to applicant's amendment filed July 2, 2004.

Claims 1 and 3-16 are pending.

### ***Claim Rejections - 35 USC § 112***

The rejection of claim 9 under 35 U.S.C. 112, second paragraph has been obviated.

### ***Claim Rejections - 35 USC § 102 and 103***

The rejection of claim 1 is rejected under 35 U.S.C. 102(b) based on JP 9-293499 has been withdrawn.

The rejection of claim 12 under 35 U.S.C. 102(b) or 35 U.S.C. 103(a) based on JP 9-293499 has been withdrawn.

The rejection of claims 1-3, 9-11 and 13-16 under 35 U.S.C. 103(a) based on Tura (U.S. Pat. 5,487,958 and Barker et al. (U.S. Pat. 6,063,519) has been withdrawn.

The rejection of claim 4 under 35 U.S.C. 103(a) based on Tura and Takayama et al. (U.S. Pat. 6,371,996 B1) has been withdrawn.

The rejection of claim 5 under 35 U.S.C. 103(a) based on Tura and Gozdz et al. (U.S. Pat. 5,587,253) has been withdrawn.

The rejection of claim 6 under 35 U.S.C. 103(a) based on Tura and Kubota et al. (U.S. Pat. 5,654,114) has been withdrawn.

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The rejection of claim 7 under 35 U.S.C. 103(a) based on Tura and Moses et al. (U.S. Pat. 4,937,154) has been withdrawn.

The rejection of claim 8 under 35 U.S.C. 103(a) based on Tura and Kubota et al. or Moses et al. has been withdrawn.

***Allowable Subject Matter***

Claims 1 and 3-16 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or at least suggest the instant invention regarding a battery assembly having a plurality of battery cells with a plurality of reinforcing bands comprised of an outer flexible polymer layer and an inner adhesive layer wrapped around the battery assembly so that each band captures the entire assembly.

The examiner acquiesces with applicant's assertions that Japanese Patent No. 9-293499 to Shinichi et al. does not teach or suggest clips or reinforcing bands having an outer polymer layer and an inner adhesive layer where the inner adhesive layer is between the outer polymer layer and the peripheral edges of the battery cells insofar as the clips in Shinichi et al. not intimately contacting the battery and not wrapping around the edges of battery.

With respect to Tura, Tura does not teach the plurality of reinforcing bands [38, 40, 42] as being wrapped around the edges of a battery *assembly* (as required by the present amendment) much less that the plurality of reinforcing bands comprise an outer flexible polymer layer and an inner adhesive layer.

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***Conclusion***

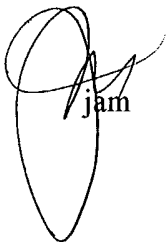
Applicant is advised to provide new drawings in computer-generated form identical to the informal drawings filed December 18, 2001.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

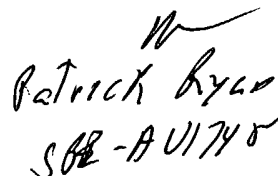
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



jam



Patrick Ryan  
SBB-AU1745